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REGISTRY OF DEEDS**
A division of the Secretary of the Commonwealth

M. Paul Iannuccillo
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DOCUMENT COVER SHEET

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DOCUMENT TYPE: Special Permit

NUMBER OF PAGES (including cover sheet) 8

TOWN: Andover

PROPERTY ADDRESS: 20 New England Business Center Drive
Book 14612 Page 323

INDEXING SHALL BE ABSTRACTED FROM THE DOCUMENT SUBMITTED

**DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY**

ON THE APPLICATION OF
20 New England Business Center Drive
Andover MCB, LLC

For a Special Permit for Major Non-Residential Project
under Section 9.4.8 of the Andover Zoning Bylaw

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TOWN OF ANDOVER, MASS

Decision: SP17-09

YES (with conditions)

A public meeting of the Planning Board was held on May 22, 2018 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Austin Simko, Zach Bergeron, Joan Duff, Vincent Chiozzi, Ann Knowles and Rocky Leavitt.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on January 4, 2018 and January 11, 2018 and pursuant to notice sent by mail, postage prepaid, to all interested parties under the provisions of Massachusetts General Laws Chapter 40A, a public hearing was convened by the Planning Board (the "Board") on January 23, 2018, for an application filed on December 13, 2017 by Andover MCB, LLC on property owned by Andover MCB, LLC for a Special Permit for Major Non-Residential Project. The property is more specifically identified as Lots 2D on Assessors Map 124. The public hearing was closed on May 22, 2018. The aforementioned members present throughout.

The project consists of a proposed development of two additional buildings; a 16,000 square foot proposal and a 52,000 square foot future build proposal, with associated parking spaces on a 6.1-acre parcel of land located at 20 New England Business Center Drive.

The 16,000 square foot facility will be an employee amenity center with a cafeteria and fitness area with locker rooms. A 94 foot pedestrian footbridge is proposed over the wetland area to connect the property with 10 New England Business Center Drive.

The 52,000 square foot office building was a previously approved project in 1988 that was not constructed. The Board approved the building as part of the site plan approval in 1988 as building 2. Building 1 was constructed along with all the parking and utilities for both buildings. The property owner is seeking to 'renew' the approval of the Board with this application.

The 16,000 square foot facility will be constructed by the current owner while they look for a tenant for the 52,000 square foot building at which time the Board determined a traffic analysis will need to be submitted by the developer for the 52,000 square foot building.

The Board reviewed the criteria for a special permit (Section 9.4.2):

1. Social, economic, or community needs which are served by the proposal.
The proposed project is an addition to an existing building and is an amenity for the employees working at the company and in the office park.
2. Traffic flow and safety, including parking and loading.
The proposed 16,000 square foot building does not add additional traffic or require additional parking, the Board determine a traffic analysis will need to be submitted by the developer of the 52,000 square foot building prior to a building permit being issued.
3. Adequacy of utilities and other public services.
The proposed project has adequate utilities.
4. Neighborhood character and social structures.
The proposed addition is a significant distance from neighboring lots.
5. Impacts on the natural environment, including but not limited to, air and water pollution, noise, stormwater runoff, and aesthetics.
The proposal does meet the Massachusetts Stormwater Standards.

On a vote of 5 to 0, the Board finds that the proposed use with appropriate conditions will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such proposed use with appropriate conditions is in harmony with the general purpose and intent of the bylaw. The Board approves with conditions the application of Andover MCB, LLC on property owned by Andover MCB, LLC for a Special Permit for a Major Non-Residential Project subject to the following 17 conditions;

CONDITIONS OF THE PERMIT

This special permit is approved subject to the following conditions:

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 20 New England Business Center Drive, more specifically shown on Assessor's Map 124 Lot 2D. The developer is identified and shall be defined as Andover MCB, LLC or its assigns. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project;
2. Except as otherwise provided for in these conditions all work associated with the project, including landscaping, shall be in conformance with the following plans and drawings prepared by Beals and Thomas Inc, which are considered the final plans and may be found in the Planning Division:
 - a. Cover Sheet last revised May 1, 2018;
 - b. Notes, References and Legend Sheet C1.1 last revised May 1, 2018;
 - c. Existing Conditions, Sheet C2.1 last revised May 1, 2018;
 - d. Site Preparation Plan, Sheet C3.1 last revised May 1, 2018;
 - e. Layout and Materials Plan, Sheet C4.1 last revised May 1, 2018;
 - f. Layout and Materials Plan Enlargement, Sheet C4.2 last revised May 1, 2018;
 - g. Parking Space Layout Plan, Sheet C4.3 last revised May 1, 2018;
 - h. Grading, Drainage and Utility Plan, Sheet C5.1 last revised May 1, 2018;
 - i. Landscape and Lighting Plan, Sheet L6.1 last revised May 1, 2018;
 - j. Site Details, Sheet C7.1 last revised May 1, 2018;
 - k. Site Details, Sheet C7.2 last revised May 1, 2018;
 - l. Site Details, Sheet C7.3 last revised May 1, 2018;
 - m. Site Details, Sheet C7.4 last revised May 1, 2018
3. Administration and enforcement of this permit and the conditions attached thereto shall be pursuant to the requirements of the Planning Board's Rules Governing Special Permits;
4. This special permit shall expire two (2) years from the date that this decision has been recorded in the North Essex Registry of Deeds unless substantially exercised by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant;
5. Prior to the recording of this permit, the applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2010 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media AutoCAD file delivery shall be in full model view and individual sheet views.

The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet. A review of the digital file shall be made by the Department of Public Works prior to the recording of this permit.

Prior to Construction

6. Prior to any construction activity of any kind on the site or associated with the project, a pre-construction meeting shall be conducted which shall include representatives from the developer (including principle contractors and/or supervisors), the Department of Community Development and Planning, the Department of Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule.
7. Prior to any construction or demolition activity of any kind on the site or associated with the project, the developer shall submit a proposed construction schedule to the Planning Board to be used as a guide of activities associated with the project;
8. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities;

Throughout and During Construction

9. All activities on the site shall be conducted in a workmanlike manner. All construction equipment, supplies and building materials shall be appropriately secured against unauthorized access. Construction debris and litter shall be collected and stored in appropriate containers on the site and shall be removed as promptly and regularly as possible. Appropriate measures (or those directed by the Inspector of Buildings) shall be taken so as to protect adjacent properties from dust and other windblown debris during site preparation and construction;
10. All hauling operations involving the import and export of earth materials and removal of all debris associated with the building to be demolished on the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to Monday through Friday, during hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system;
11. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted between the hours of 7:00 a.m., and 6:00 p.m.,

Monday through Friday. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition.

12. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
13. Lighting fixtures in the parking area shall be shielded and directed inward toward the site. Those fixtures not required for nighttime security shall be placed on a timer and shall be extinguished when the operations or activities in the building are not being conducted.
14. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of six (6) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;

Prior to Occupancy

15. Prior to occupancy of any of the buildings on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) shall have been completed and made fully operational;
16. A set of as-built plans for utilities (water, sewer and drainage) of the site shall be submitted to and approved by the Department of Public Works before the issuance of a Certificate of Occupancy. A digital file as described in condition 5 shall be submitted of the as-built for utilities and building(s);

Specific to Permit

17. Prior to building permit issuance for the 52,000 square foot building a traffic analysis must be submitted for review. Should the analysis cause the traffic to decrease the Level of Service (LOS) at the intersections of River Road, Old River Road and New England Business Center Drive or as otherwise defined by the Public Safety Officer, the developer must come to the Planning Board to determine whether the 52,000 square foot building can be constructed or what traffic mitigation measures can be completed by the developer.

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

On May 22, 2018, at a regularly scheduled public meeting, the Andover Planning Board voted (5-0) to issue the foregoing Special Permit for a Major Non-Residential Project.

Date: 5/25/2018


Austin Simko, Chair

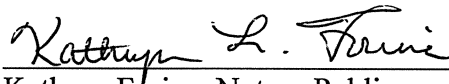
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COMMONWEALTH OF MASSACHUSETTS

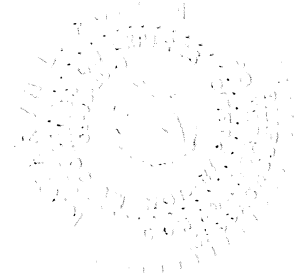
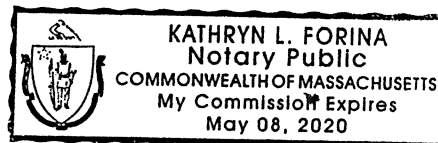
Date: May 25, 2018

On this 25th day of May, 2018, by Austin Simko, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of his knowledge and belief and who acknowledged to me that he signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,


Kathryn Forina, Notary Public

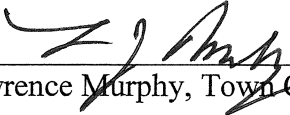
My commission Expires:



CERTIFICATION

I, Lawrence Murphy, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in my office on MAY 25, 2018 and no appeal against said decision has been filed.

Date: 6-27-2018



Lawrence Murphy, Town Clerk